

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	James Karanassos
Title of Invention	:	METHODS AND APPARATUS FOR MANAGING VOICE OVER IP TELEPHONY
Filed	:	February 24, 2004
Serial No.	:	10/785,216
Examiner:	:	O'Connor, Brian T.
Group Art Unit	:	2419
Confirmation No.	:	8838
Attorney Docket No.	:	449-120

VIA EFS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECORD OF TELEPHONE INTERVIEW

SIR:

This is a record of a telephone interview held December 10, 2009 between the undersigned and Examiner Brian O'Connor, with the participation of Supervisory Patent Examiner Dang Ton.

The interview related to a Declaration filed under 37 C.F.R. §1.131 and subsequent proceedings with respect to it.

Apparently, the examiner does not fully appreciate the import of the Declaration. The Declaration documents a disclosure from the inventor to the assignee corporation on a prescribed form. It also demonstrates that that disclosure was promptly forwarded to outside patent counsel and resulted in the diligent filing of the present patent application.

Among the matters discussed were the applicant's response of September 8, 2009, in which it was demonstrated that the Declaration documented processing of the present application from an enabling disclosure in a prescribed document format, through the actual filing of an

application based upon that document. Also discussed was the applicant's response of March 24, 2009, in which it was demonstrated how the original disclosure submitted to the assignee contained subject matter present in the claims.

In contrast, the examiner appears to insist on treating the original disclosure as if it were a Disclosure Document pursuant to MPEP 1706 (the USPTO's Disclosure Document Program). The rationale for that approach is not explained and, frankly, is not believed to be justified. Specifically, the examiner cites the suggestion in MPEP 1706 that "When the nature of the invention permits, a drawing or sketch should be included" (emphasis added) in his own Interview Summary. Using this standard (but treating the drawing as a requirement), he concludes that the feature "sending at least one command from the administrative entity to the one or more sessions controllers" of claim 1 is not disclosed in the applicant's disclosure. At the same time, he quotes from that disclosure "Any call that is over the set time limit (180 min.) will be released from the Session Controller, also via command line script." Clearly, those skilled in the art would recognize that this requires a command to be sent to an administrative entity in order to achieve the release. The quoted suggestion in MPEP 1706 (not shown to be relevant), is clearly not a requirement, could hardly justify outrightly ignoring a clearly enabling disclosure.

It is believed that a careful review of the record discussed above would lead one to conclude that the Declaration under Rule 131, in fact, demonstrates completion of the invention before the critical date. If the Declaration contains facts showing a completion of the invention commensurate with the extent of the invention as claimed..., the Declaration or Declaration is sufficient, whether or not it is a showing of the identical disclosure of the reference or the identical subject matter involved in the activity. *In re Wakefield*, 422 F.2d 897, 164 U.S.P.Q. 636 (CCPA 1970).

It is believed that the sufficiency of the Declaration is clear under the present circumstances and that it should not be a necessary to undertake an appeal in order to establish it.

Dated: February 25, 2010

Respectfully submitted,

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